

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

PRISCILLA S.,

Plaintiff,

v.

CIVIL ACTION NO. 3:24-0561

LELAND DUDEK,
Acting Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that this Court grant Plaintiff's request for remand (ECF No. 10), deny the Commissioner's request to affirm the final decision below (ECF No. 11), reverse the final decision of the Commissioner, and remand this matter back to the Acting Commissioner pursuant to the fourth sentence of 42 U.S.C. § 405(g) for further administrative proceedings. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and, consistent with the findings and recommendation, **GRANTS** Plaintiff's request for remand (ECF No. 10), **DENIES** the Commissioner's request to affirm the final decision below (ECF No. 11), **REVERSES** the final decision of the Commissioner, and **REMANDS** this matter back to the Acting Commissioner pursuant to the fourth sentence of 42

U.S.C. § 405(g) for further administrative proceedings as detailed in the proposed findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: April 14, 2025



ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE